IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.712 OF 2005

Sou Mangal Laxman Vhanbattee .. Appellant

Versus

Shri Laxman Shivshankar Vhanbattee Respondent

Mr.Sandesh D. Patil for appellant.

CORAM : P.V.KAKADE, J.

DATE : 21ST JULY 2005.

P.C.:

1. The appellant wife has filed this appeal against the judgment and order passed by Joint District Judge, Thane dated 26.10.2004 allowing the appeal partly and increasing her amount of maintenance to Rs.4500/= per month payable by the respondent-husband with interest on arrears of the amount. That appeal was filed against the judgment and order passed by Civil Judge Junior Division, Thane dated 16.4.2004 decreeing the wife’s

suit for maintenance of Rs.3000/= per month from the present respondent, but rejecting her prayer for separate residential accommodation.

2. I have heard the learned counsel for the appellant. Perused the record.

2. No doubt it is unfortunate that the appellant lady, as it appears from the record, is required to stay at some Mahila Ashram at Thane, as her husband-respondent neglected and refused to her. However, the record shows that the lower court was of the view that she was entitled to the maintenance of Rs.3000/= per month from the respondent. The appeal was preferred against that order wherein the lower appellate court judge considered all involved aspects and came to the conclusion that she was entitled to the increase maintenance of Rs.4500/= p.m. While increasing the said maintenance amount, it appears from the order of the lower appellate court that question of her prayer for separate residence was also taken into account and therefore, while rejecting her prayer for separate residential accommodation from the respondent it was observed that her demand that she should be given

independent house at Thane could not be considered because all that she was entitled to appropriate amount of maintenance, which would allow her to stay at Thane in life style similar to the defendant. This aspect, along with all relevant aspect taken into account by the lower appellate court judge, show that the present appellant’s request for availability of separate residence is indeed considered for which purpose amount of alimony is increased. Therefore, nothing remains in the appeal. Moreover, there is no substantial question of law involved in this proceeding and as such the appeal stands dismissed.

. Consequently Civil Application No.1208 of 2005 also stands dismissed.